

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Wands *et al.*

SERIAL NUMBER: To Be Assigned

EXAMINER: Not Yet Assigned

FILING DATE: July 11, 2001

ART UNIT: Not Yet Assigned

FOR: DIAGNOSIS AND TREATMENT OF MALIGNANT NEOPLASMS

July 11, 2001  
Boston, Massachusetts

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Prior to examination, please amend the application as follows.

**In the specification:**

On page 1, line 2, after the title, insert:

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This application is a divisional of patent application U.S. Serial Number 09/436,184, filed on November 8, 1999, the entire contents of which is hereby incorporated by reference.

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In the claims:

Cancel claims 1-28 and 37-38.

Amend claim 34 and add new claims 39-58

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34. A kit for diagnosis of a tumor in a mammal, comprising a monoclonal antibody that binds to an epitope of HAAH.
39. The antibody of claim 29, wherein said antibody is a HAAH-binding fragment of FB50.
40. The antibody of claim 39, wherein said fragment is a FB50 Fab or (Fab)<sub>2</sub> fragment.
41. The antibody of claim 39, wherein said antibody is a FB50 single chain Fv molecule.
42. The antibody of claim 29, wherein said antibody is a single chain Fv molecule.
43. The antibody of claim 29, wherein said epitope is on the surface of a cell.
44. The antibody of claim 29, wherein said antibody is FB50.
45. The composition of claim 33, wherein said antibody is a HAAH-binding fragment of FB50.
46. The composition of claim 33, wherein said antibody is a FB50 Fab or (Fab)<sub>2</sub> fragment.
47. The composition of claim 33, wherein said antibody is a FB50 single chain Fv molecule.
48. The composition of claim 33, wherein said antibody is a single chain Fv molecule.
49. The composition of claim 33, wherein said antibody binds to an HAAH epitope on the surface of a cell.
50. The composition of claim 33, wherein said antibody is FB50.
51. The composition of claim 33, wherein said cytotoxic agent is ricin.
52. The composition of claim 33, wherein said cytotoxic agent is diphtheria toxin.
53. The kit of claim 34, wherein said antibody is a HAAH-binding fragment of FB50.
54. The kit of claim 34, wherein said antibody is a FB50 Fab or (Fab)<sub>2</sub> fragment.
55. The kit of claim 34, wherein said antibody is a FB50 single chain Fv molecule.
56. The kit of claim 34, wherein said antibody is a single chain Fv molecule.

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57. The kit of claim 34, wherein said HAAH epitope on the surface of a cell.
58. The kit of claim 34, wherein said antibody is FB50.

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## REMARKS

Claims 29-36, and 39-58 are pending, claims 1-28 and 37-38 having been canceled as being drawn to a non-elected invention. Claim 34 was amended, and new claims 39-58 have been added. The amendment to claim 34 is supported by disclosure throughout the specification and by originally-filed claim 29. New claims 39-42, 45-48, and 53-56 are supported by disclosure on page 2, lines 13-29, of the specification. New claims 43, 49, and 57 are supported by disclosure on page 8, lines 31-32. New claims 44, 50, and 58 are supported by disclosure on page 2, line 26; page 23, lines 11-12; and page 15, line 29 to page 17, line 23 of the specification. New claims 51 and 52 are supported by disclosure on page 17, line 21, of the specification.

No new matter has been added by this amendment.

## CONCLUSION

Applicants believe that the claims are in condition for allowance. The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 21486-032.

Respectfully submitted,

  
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Appendix: Amended claims

In the specification:

On page 1, line 2, after the title, insert:

--This application is a divisional of patent application U.S. Serial Number 09/436,184, filed on November 8, 1999, the entire contents of which is hereby incorporated by reference.--

In the claims:

Cancel claims 1-28 and 37-38.

Amend claim 34 and add new claims 39-58.

34. (amended) A kit for diagnosis of a tumor in a mammal, comprising [the antibody of claim 29] a monoclonal antibody that binds to an epitope of HAAH.

--39. The antibody of claim 29, wherein said antibody is a HAAH-binding fragment of FB50.--

--40. The antibody of claim 39, wherein said fragment is a FB50 Fab or (Fab)<sub>2</sub> fragment.--

--41. The antibody of claim 39, wherein said antibody is a FB50 single chain Fv molecule.--

--42. The antibody of claim 29, wherein said antibody is a single chain Fv molecule.--

--43. The antibody of claim 29, wherein said epitope is on the surface of a cell.--

--44. The antibody of claim 29, wherein said antibody is FB50.--

--45. The composition of claim 33, wherein said antibody is a HAAH-binding fragment of FB50.--

--46. The composition of claim 33, wherein said antibody is a FB50 Fab or (Fab)<sub>2</sub>

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fragment.--

--47. The composition of claim 33, wherein said antibody is a FB50 single chain Fv molecule.--

--48. The composition of claim 33, wherein said antibody is a single chain Fv molecule.--

--49. The composition of claim 33, wherein said antibody binds to an HAAH epitope on the surface of a cell.--

--50. The composition of claim 33, wherein said antibody is FB50.--

--51. The composition of claim 33, wherein said cytotoxic agent is ricin.--

--52. The composition of claim 33, wherein said cytotoxic agent is diphtheria toxin.--

--53. The kit of claim 34, wherein said antibody is a HAAH-binding fragment of FB50.--

--54. The kit of claim 34, wherein said antibody is a FB50 Fab or (Fab)<sub>2</sub> fragment.--

--55. The kit of claim 34, wherein said antibody is a FB50 single chain Fv molecule.--

--56. The kit of claim 34, wherein said antibody is a single chain Fv molecule.--

--57. The kit of claim 34, wherein said HAAH epitope on the surface of a cell.--

--58. The kit of claim 34, wherein said antibody is FB50.--

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